

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49096 of 2022

Arising Out of PS. Case No.-114 Year-2021 Thana- NADI P.S. District- Patna

Shankar Rai Son Of Sri Jamadar Rai @ Jimdar Rai, Resident Of Village -
Maujipur, Gadhochak, Kripal Tola, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 21-02-2023 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Special Case No. 240 of 2021 (Suppl. Record of Spl. Case No.
45 of 2021) arising out of Nadi P.S. Case No. 114 of 2021
lodged under Sections 8, 20, 22 and 29 of N.D.P.S. Act.

As per the prosecution case, the recovery of 28.798 kg
Ganja has been made, which is the subject matter of the present
case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. From the
content of the F.I.R., it transpires that nothing was recovered



from possession of the petitioner rather by virtue of confession, the name of the present petitioner has figured in this case. He further submits that recovery has been made from possession of other accused persons. Counsel further submits that those persons from whom recovery has been made disclosed the name of the petitioner about his involvement in commission of the crime. Counsel further submits that petitioner is in custody since 30.03.2022 and there is one criminal antecedent of the petitioner which is of NDPS in which he is on bail. Counsel further submits that co-accused person of this case has been granted bail by the Co-ordinate Bench of this Court in Cr. Misc. No. 40610 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge/Special Judge, Patna in connection with Special Case No. 240 of 2021 (Suppl. Record of Spl. Case No. 45 of 2021) arising out of Nadi P.S. Case No. 114 of 2021, subject to the conditions as laid down



under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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